

March 25, 1975

SENATOR SCHMIT: Yes, I believe I understood it right. I am not sure that...

SPEAKER: The chair recognizes Senator Kime.

SENATOR KIME: Senator Schmit, in order to alleviate any idea about cattle that are not slaughter cattle, we sell thousands off the range for feeder cattle that could be taken back to Iowa or Illinois or any of that sort, places like that. Now, what arrangements have been arranged for something like that? Do they...are those sold on contract or...

SENATOR SCHMIT: Senator Kime, first of all, the amendment specifically refers to #1, slaughter livestock. Secondly, it says you can pay in cash or you can pay by check located not on a Nebraska or, pardon me, a bank located in this Federal Reserve district provided there is an agreement in writing to the contrary because we felt that if we did not have the words, in writing, included in the statute that if difficulty arose and the situation developed where the seller was holding a check that was not good, the question then would be to determine whether there was an implicit agreement by his acceptance of the check that it was all right. So it was felt that we should include the words, in writing, and, therefore, if you sold cattle to someone in Iowa and he says, I have got to pay you with a check on an Iowa bank, all it takes is a simple agreement between the two of you, the buyer and seller, that this is satisfactory and sign and that is good enough and I believe that should take care of the situation.

SPEAKER: We are now on Committee amendments. The question is, if there is no further discussion, shall the Committee amendments be adopted? Have you all voted? The Clerk will record.

CLERK: 31 ayes, 0 nays, 18 not voting.

SPEAKER: The amendments are adopted. Senator Schmit, what do you want to do with the bill?

SENATOR SCHMIT: I move the bill be advanced as amended.

SPEAKER: Clear the Board, Vince. The chair recognizes Senator Duis.

SENATOR DUIS: Mr. President, I would like to visit with a question of Senator Schmit. Senator Schmit, in regard to this Legislative bill, sometime back I spoke to you about the wordage in the commercial credit code which might solve this entire situation and I am wondering whether or not we can't propose an amendment to this bill which will take care of this at the present time. This particular situation that I have in mind is, if you will recall, has to do with bankruptcy where the receiver in the bankruptcy will not be able to dispose of anything that the seller of the particular unit, such as the livestock, will have..be able to get re-possession of his product and that, if you will recall correctly, was on Page 158, volume 6 of the commercial credit code, section 2-702, subparagraph 3, strike the words, or mine creditor. I did speak to you about that sometime back. Now, would you or would you not prefer the attempt of making the amendment to this particular bill.